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RCE 1/648
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U.S. PATENT & TRADEMARK OFFICE
JUN 15 2004

REQUEST

FOR

CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/776,787
Filing Date	February 4, 2003
First Named Inventor	KNAPE ET AL.
Group Art unit	1648
Examiner Name	Scheiner
Attorney Docket Number	VA/H-33198

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- b. ☒ Enclosed
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☒ Other Certificate of Availability for the E. coli strains deposited with ATCC

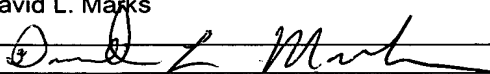
2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-0134
 - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	David L. Marks	Registration No. (Attorney/Agent)	Reg. No. 37,881 Attorney for Applicants
Signature		Date	6/15/04

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV336719993US June 15, 2004
Express Mail Label Number Date of Deposit



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10	
<u>EV336719993US</u>	June 15, 2004
Express Mail Label Number	Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Confirmation No.: 7067

KNAPE ET AL.

Examiner: Scheiner

APPLICATION NO: 09/776,787

Art Unit: 1648

FILED: FEBRUARY 4, 2003

FOR: INACTIVATED BOVINE SCOURS VACCINES, PROCESS AND
METHOD OF PREVENTING BOVINE SCOURS

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

Filed herewith is a Request for Continuing Examination (RCE) and this Preliminary Amendment. This RCE is being filed after issuance of Notice of Allowance (issued on March 24, 2004). Applicants have not paid the Issue Fee which is due on June 24, 2004. Enclosed herewith is an authorization to deduct the undersigned deposit account for the appropriate fee required for the RCE.

Because this RCE, the authorization to deduct the appropriate fee to the deposit account, and this Preliminary Amendment are being filed prior to June 24, 2004 (the due date for payment of the Issue Fee or abandonment of application), the undersigned submits that this RCE is being filed timely and is proper. The undersigned requests that the Office enter this RCE.

Attached are Amendments to the Claims, Amendment to Specification, and Remarks sections. Also enclosed is a Certificate of Availability for the *E. coli* strains deposited with ATCC.